

REMARKS/ARGUMENTS

Claim 1 has been amended to require the presence of least one layer L2, comprising an aliphatic polyamide. This amendment is supported by Claim 1 as filed and examined (and now cancelled) Claim 19. The Examiner is reminded that examined Claim 19 was directed to exactly the same subject matter now appearing in Claim 1:

Claim 19: The hollow body according to Claim 1, comprising, as sole layers, at least one layer L1 and at least one layer L2.

Thus, upon withdrawal of the anticipation rejection over Montag any further rejection of Claim 1 may not be made Final. See MPEP 706.07(a):

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706.07(a) Final Rejection, When Proper on Second Action [R-6]

Due to the change in practice as affecting final rejections, older decisions on questions of prematureness of final rejection or admission of subsequent amendments do not necessarily reflect present practice.

Under present practice, second or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims**, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Where information is submitted in an information disclosure statement during the period set forth in 37 CFR 1.97(c) with a fee, the examiner may use the information submitted, e.g., a printed publication or evidence of public use, and make the next Office action

Because at least examined Claim 19 required the presence of least one layer L2, Applicants' amendment cannot be said to have necessitated any future new ground of rejection of Claim 1.

Claims 25 and 26 have been clarified in a non-limiting manner. New claims 33-39 are supported by Claim 1 and by specification page 4, line 8, page 9, line 20, original Claim 8, page 10, lines 11-12 and 17, page 12, line 3, and original Claims 2, 4, and 5.

No new matter has been entered.

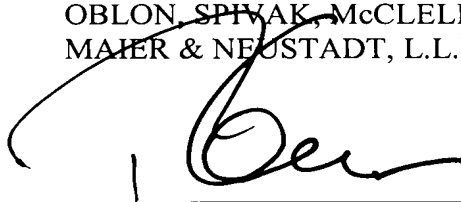
Present Claim 1 requires a hollow body comprising, as sole layer(s), at least one layer L1 comprising an aromatic polyamide and an impact modifier, and at least one layer L2 comprising an aliphatic polyamide. In addition to requiring a hollow body, several examined claims required the presence of layer L2 (se, e.g., Claims 3 and 19), and now all claims require L2.

Montag, cited against all claims, discloses neither a hollow body nor an aliphatic polyamide L2. With regard to the “hollow body” limitation, the disclosure at page 10, lines 23-31 of Montag is insufficient to meet this limitation, as defined in the present specification. With regard to the requirement for L2 in the pending claims, Montag is silent in this regard.

Accordingly, Applicants respectfully submit that Montag is insufficient to anticipate the pending claims for the reasons stated, and the reconsideration and withdrawal of the outstanding rejection is requested, as is a Notice of Allowance.

Respectfully submitted,

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